

REMARKS

This amendment responds to the Office Action dated October 24, 2008, in which the Examiner rejected claim 29 under 35 U.S.C. § 101 and rejected claims 1, 5, 9, 11 and 26-29 under 35 U.S.C. § 102(e).

As indicated above, claim 29 has been amended to be directed to statutory subject matter. Applicant additionally points out to the Examiner that a computer readable storage medium encoded with computer executable instructions can be found in claims of over 10,000 patents. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claim 29 under 35 U.S.C. § 101.

As indicated above, claims 1, 28 and 29 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an apparatus for controlling an image display, claim 28 claims a method of controlling an image display, and claim 29 claims a computer readable storage medium encoded with computer executable instructions to carry out a method of controlling an image display. The apparatus, method and medium first determine whether or not material data is combined with frame rate information. The material data is displayed along a time axis in a reproduction order in a frame image representation within the image display. When the material information is combined with the frame rate information, the frame image representation region has a width that is altered according to a reproduction time calculated based on a reproduction speed. When the material information is not combined with the frame rate information, the width of the frame rate image region is not altered.

By (a) determining whether material data is combined with frame rate information, (b) by altering the width of the frame image representation region when the material information is combined with the frame rate information and by not altering the width of the frame rate image region when the material information is not combined with the frame rate information, and (c) altering the width of the frame image representation region based on a reproduction time calculated based on a reproduction speed as claimed in claims 1, 28 and 29, the claimed invention provides an apparatus, method and storage medium which easily allows an editing process using (1) material generated at a reference frame rate and (2) material altering the frame rate. The prior art does not show, teach or suggest the invention as claimed in claims 1, 28 and 29.

Claims 1, 5, 9, 11 and 26-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Kobayashi* (U.S. Patent No. 7,149,408).

Kobayashi merely discloses that a user can set a display unit time at any desired value, thus changing a frame matrix configuration to anyone he or she desires (Col. 5, lines 53-55).

Thus, *Kobayashi* merely discloses changing the display matrix based upon a user's desired value. Nothing in *Kobayashi* shows, teaches or suggests altering a width of a frame image representation region according to a reproduction time calculated based on a reproduction speed as claimed in claims 1, 28 and 29. Rather, *Kobayashi* only discloses changing the frame matrix configuration based upon a display unit time set by a user.

Also, *Kobayashi* appears to disclose a controller which determines a number of rows and a number of columns in which to display the frames of a moving-picture data, in accordance with a frame rate (Col. 2, lines 9-12).

Thus, *Kobayashi* merely discloses that the moving-picture data is associated with a frame rate. Nothing in *Kobayashi* shows, teaches or suggests determining whether or not the material data is combined with the frame rate information as claimed in claims 1, 28 and 29. Rather, *Kobayashi* teaches away from the claimed invention since all the moving-picture data are associated with a frame rate.

Finally, *Kobayashi* merely discloses that when a frame rate of a moving picture is changed, the display device 12 displays the frame of the picture in such a way that user can know the new frame rate (Col. 8, lines 31-34).

Thus, *Kobayashi* only discloses changing the display of the frames of a picture when a frame rate of the picture is changed. Nothing in *Kobayashi* shows, teaches or suggests when material information is combined with a frame rate, the frame image representation region has a width that is altered based on reproduction time calculated based on a reproduction speed and when the material information is not combined with the frame rate information the width of the frame rate image region is not altered as claimed in claims 1, 28 and 29. Rather, *Kobayashi* only discloses changing the display based upon the change in the frame rate.

Since nothing in *Kobayashi* shows, teaches or suggests (a) determining if material data is combined with frame rate information, (b) altering a width of a frame representation region when the material information is combined with the frame rate information and not altering the width when the frame rate is not combined with the material information, and (c) altering the width of the frame image representation region based upon a reproduction time calculated based on a reproduction speed as claimed in claims 1, 28 and 29, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 28 and 29 under 35 U.S.C. § 102(e).

Claims 5, 9, 11 and 26-27 recite additional features. Applicant respectfully submits that claims 5, 9, 11 and 26-27 would not have been anticipated by *Kobayashi* within the meaning of 35 U.S.C. § 102(e) at least for the reasons set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 5, 9, 11 and 26-27 under 35 U.S.C. § 102(e).

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

Date: January 12, 2009

By 

Ellen Marcie Emas
Reg. No. 32,131
(202) 292-1530